

### CHAPTER THREE

## Political Developments in Pakistan: An Overview

Although the history of Pakistan is full of political events leading towards the democratic process as well as hindrances in the shape of various spells of martial law in the country. The whole history presents an exciting pattern of progress as well as decay of political institutions. For the purpose of this particular work we need not go in the chronology of political developments but would rather focus only those aspects of political history of Pakistan which are relevant and present a sample of political communication and the democratic process in the country. After careful pondering it became clear that some features of democratic process like attempts at building a constitution, fair and free elections, independence of judiciary, feudalism, and the army and politics needs to be investigated. An overview of the political developments in Pakistan since its creation in 1947 and the reason for the failure of democratic process in the country have also been discussed in this chapter.

Baxter (2001) says when Pakistan became independent in 1947; it inherited a functioning form of government from British India based on the Government of India Act 1935, as modified by the India Independence Act 1947. There were in place the elements of government that are described as executive or administrative. There existed a civil service that administered governments at the centre and in the provinces, a police force, a military establishment, local governments, and the other essentials necessary to administer this new entity, the state of Pakistan. According to Baxter 'Pakistan thus continued under what was appropriately described as a 'viceregal' system, with ultimate authority vested in one person, whether that person was described as Governor-General, President, Martial Law Administrator, or Prime Minister.'<sup>132</sup>

The death of founding father – Quaid-i-Azam Muhammad Ali Jinnah in September 1948 deprived the Pakistan Constituent Assembly of leadership it was unable to replace. In 1951 Pakistan's first Prime Minister Liaquat Ali Khan<sup>133</sup> was assassinated by a hired Afghan agent and Jinnah's successor as Governor-General, Khwaja Nazimuddin, stepped down from that post to become prime minister. The new Governor-General, Ghulam Muhammad, began almost immediately to exercise

<sup>132</sup> See Baxter, Craig, 'Political Development in Pakistan', in Malik, Hafeez, *Pakistan: Founders' Aspirations and Today's Realities*, Oxford University Press, Karachi: Pakistan, 2001, p. 127.

<sup>133</sup> For biographical notes see Appendix B.

powers far in excess of those given to Governor-Generals in the other dominions where parliamentary government was used, and the Governor-Generals had powers that were mainly ceremonial. Ghulam Muhammad dismissed Nazimuddin without permitting him to test his right to remain in office through a vote of confidence in the legislature. Nazimuddin appealed to the Queen, stating that the Governor-General had exceeded his powers, but the Crown did not wish to interfere in the governing of Pakistan.<sup>134</sup>

After more than eight years of debate, a Constitution was finally agreed upon in 1956. This established a parliamentary system, but the method of electing the parliament could not be agreed upon. West Pakistanis insisted on continuing the separate electorate system but the East Pakistanis wanted joint electorates. No election was ever held under the 1956 Constitution.

Baxter is of the view that the Constitution included the concept of parity, which meant the East Pakistanis would be under-represented. The more populous east wing would have the same number of seats in parliament as would the less populous west wing. The leader of the East Pakistan group, Suhrawardy, accepted this with the unwritten understanding that efforts would be made to bring the east wing up to parity with the west wing in such areas as economic development and government service.<sup>135</sup>

Elections were to be held in early 1959. The voice of the people would finally be heard through direct elections at the national level. This was not to happen. In two stages in October 1958, the military took over under martial law. General Muhammad Ayub Khan, the commander-in-chief of the army, gained control under martial law. While a number of steps were taken in the economic and social arenas, the concept of freely and directly elected bodies to enact legislation and approve budgets at the national and provincial level was not in the thoughts of Ayub.<sup>136</sup>

His ideas included the concept of basic democrats who would perform the roles associated with local government. They would be directly elected. But they would also serve as an electoral college for higher levels of local government, for the provincial and national assemblies and for the president. In the national assembly and presidential elections, the principle of parity would be upheld, as there would be

<sup>134</sup> Ibid., p. 129.

<sup>135</sup> Ibid., p. 130.

<sup>136</sup> Ibid., p. 131.

the same number of basic democrats in each province, who would elect an equal number of members of the national assembly. Baxter says that the system described in the Constitution of 1962 was ostensibly a presidential system, but was actually a continuation of the viceregal system by other means. The powers of the assembly were limited in the crucial area of the budget. Those who were supposed to represent the people were unable to regulate how the country's revenues were to be expended.

Demonstrations and rioting against the Ayub regime began in 1968 as the demand by the people for a free election for a meaningful legislature escalated. Ayub was forced to resign in March 1969, and was replaced by General Agha Muhammad Yahya Khan. Yahya claimed to be a caretaker who would hold an election to choose representatives to a new constituent assembly. He stated that he would have to 'authenticate' any Constitution adopted by the assembly, thereby placing himself above the elected body. Elections were held and changes in the system were key to the election. The former West Pakistan provinces were restored. Parity was ended and East Pakistan would elect members of the assembly in proportion to its share of the population. The electorates would be joint, as they had been in the polls for Ayub's basic democrats. Political parties were able to campaign freely. This meant that the Awami League was not hindered when it based its campaign on the Six Points of Sheikh Mujibur Rahman. These demanded a high level of autonomy for the east wing and were seen by many as a road to independence for East Pakistan.<sup>137</sup>

Baxter argues that the military leadership expected that there would be no majority in the Assembly and that a multi-party coalition would be needed, and it would produce a compromise constitution. The election results gave the Awami League 160 of 162 seats from East Pakistan and thereby, a majority of the assembly of 300, without winning a seat in the west wing. Bhutto's Pakistan People's Party (PPP) won a majority of seats in the west wing.<sup>138</sup>

Baxter noted that the voice of the people was not followed. The ultimate result was the division of Pakistan and the creation of the new state of Bangladesh. Aziz (2001) found that the All India Muslim League was a legacy of Aligarh and was controlled by the U.P. aristocrats, who took all major decisions and forced it to neglect, even damage, and the interests and hurt the feelings of the Muslims of the rest of India. So unbending and irresistible was this tradition that even during the

<sup>137</sup> Ibid., p. 132.

<sup>138</sup> Ibid.

crucial years of 1937- 47 the League treated the Bengali Muslims as if they were its underlings and hired men. The foundations of Bangladesh were laid before the creation of Pakistan.<sup>139</sup>

Bhutto succeeded to power when Yahya resigned the presidency following the defeat in the former East Pakistan. He called those West Pakistanis who had won Constituent Assembly seats in the 1970 election to form a constituent assembly and the parliament for residual Pakistan.<sup>140</sup>

A Constitution was enacted in 1973, and with major modifications remains the constitutional document in Pakistan today. It purported to be a parliamentary Constitution and it gave certain powers to the four provincial governments. But the power of the prime minister became almost absolute and the prescribed method of removing him from office almost impossible. A motion of no confidence must include the name of the successor prime minister. In addition, a member who violated party discipline would lose membership in the assembly. Two of the provinces, Balochistan and NWFP, had elected non-PPP parties that formed governments in those provinces. Intolerance by the central government of provincial governments headed by different parties or even individuals who had lost favour with the central government was a long standing pattern. During the first so-called parliamentary government (1947-58) ministries were changed in all three provinces in the west wing by the centre. Now, Bhutto overrode the verdict of the electorate and dismissed governments in Balochistan and NWFP, and, to add insult to injury, banned the National Awami Party and jailed its leaders.<sup>141</sup>

Bhutto also delayed parliamentary elections by decreeing that, although elected in 1970, the parliament did not begin its sittings until 1972 and therefore would expire in 1977. The major opposition parties were able to form an electoral alliance, that is, they put up a single candidate against the PPP candidate and agreed to support that candidate together. The true result of the 1977 election cannot be known as the PPP engaged in substantial rigging of the vote. Most observers appear to agree that the PPP would have won a majority without rigging, but this practice made the margin greater. It also touched off demonstrations and attempts by Bhutto

<sup>139</sup> See Aziz, K. K., *Pakistan's Political Culture: Essays in Historical and Social Origins*, Vanguard Books (Pvt) Ltd., Lahore, 2001, p. 134.

<sup>140</sup> Baxter, Craig, 'Political Development in Pakistan', in Malik, Hafeez, *Pakistan: Founders' Aspirations and Today's Realities*, Oxford University Press, Karachi: Pakistan, 2001, p. 132.

<sup>141</sup> Ibid., p. 133.

to reach a compromise that would entail a new election. On 5 July 1977, the military took over under the leadership of General Muhammad Ziaul Haq.<sup>142</sup>

Despite Zia's claim to have taken control only to ensure a new, free, and fair election within ninety days, his martial law would remain until after a non-party election in 1985. Governing during this period without the sanction of the people other than a sham referendum for approval of him and his actions Zia made a number of changes in the Constitution. Some of these brought in Islamic rules. Another gave the president the right to dismiss the prime minister without the prime minister having been defeated in a vote of confidence in the National Assembly. Zia used this power to dismiss the ministry of Muhammad Khan Junejo in May 1988, and ordered new elections at the national and provincial levels.<sup>143</sup>

The Supreme Court, which had rarely defended the rights of the people as an electorate, stepped in to invalidate several rules that inhibited a free vote by the people. One of the rules overturned was that given by Zia, that elections must be held on a non-party basis. The Court held that the right to form political parties was derivative from the right of free association. From this it followed that a party had the right to use a single, uniform election symbol for all of its candidates. Further, it was held that the right of association was free and that parties could not be required to register before being permitted to contest. The four elections that have been held since these rulings have hardly been examples for a civics class in free and fair elections but they have produced governments with the mandate to rule for good or bad.<sup>144</sup>

The presidential power to remove a prime minister and dissolve the assemblies was used against each of the first three ministries beginning with the Benazir Bhutto ministry elected in 1988. However, the removal of the Nawaz Sharif government in 1993 was set aside by the Supreme Court, although shortly thereafter the President, Ghulam Ishaq Khan, and the Prime Minister resigned. The second removal of Benazir Bhutto in 1996 was challenged in the Supreme Court but was upheld. The government of Nawaz Sharif in 1997 passed an amendment to the Constitution removing the presidential power to dismiss government. Now the route for constitutional removal of a prime minister will be through a vote of no

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<sup>142</sup> Ibid.

<sup>143</sup> Ibid.

<sup>144</sup> Ibid., p. 134.

confidence. Though, the extra-constitutional route of a military coup remains a possibility.<sup>145</sup>

Baxter argues that the Muslim League holds a substantial majority in the National Assembly and the Punjab Provincial Assembly. Historically, the party has never been well organized. Even under Jinnah it was a single-leader party in which he dominated his lieutenants. Jinnah's death weakened the party, and it could only struggle on at the national and provincial level as dissident factions competed and sometimes deserted, as did the Republican Party in the 1950s. In East Pakistan, it all but disappeared with the electoral defeat in 1954. Ayub's Convention Muslim League was challenged by some who thought of themselves as the 'original' League and formed the smaller Council Muslim League. Even a former League President, Khan Abdul Qayyum Khan, formed another League and named it after himself. The three Muslim Leagues formed the principal province-wide opposition of the PPP in West Pakistan in 1970. The Leagues languished during the Bhutto period, but allied themselves with the PNA (Pakistan National Alliance) in the 1977 election and the demonstrations that followed. Parties were banned by Zia, but the Junjo government in 1985 allowed parties to re-emerge and the group supporting Junjo took the name Muslim League. It is this group that forms the base of the present Muslim League (despite the existence now of a dissident group that calls itself the Junjo Muslim League). It would be difficult to find a formalized party organization at the provincial or district level even though groups bearing the party's name are in office at the provincial level.<sup>146</sup>

The formation of the PPP under the leadership of Bhutto created another group that was, for all practical purposes, a single-leader party. Bhutto and his allies won a majority of West Pakistan's seats in 1970, but after taking office he deserted many of his original allies and replaced them with others, often from the so-called feudal groups he had opposed. Today, the party, under his daughter, Benazir, can hardly be called a well organized party. Its electoral performance in 1997 has reduced it, at least temporarily, to a regional party as it won no National Assembly seats from any province other than Sindh.<sup>147</sup>

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<sup>145</sup> Ibid.

<sup>146</sup> Ibid., p. 135

<sup>147</sup> Ibid.

Regional parties can exercise influence locally, but, at best, can only join coalitions dominated by one or the other of the national parties at the centre. The Muttahida Quami Movement (MQM) is supported only by a substantial portion of the Urdu speaking descendants of refugees from India and its programme does not permit its expansion to wider groups. The Awami National Party is one that attracts almost exclusively Pathans in NWFP and Balochistan. There are several small Baloch parties that cannot expand beyond Balochistan. The religiously oriented parties, other than the Jamaat, are narrowly based. The Jamiatul-Ulema-i-Pakistan (JUP) has a following in the Frontier but this is limited as its programme is based on the Brelvi school of Islam. Even smaller is the Jamiat-ul-Ulema-i-Islam based on the Deobandi School.<sup>148</sup>

Commenting on the structure of media Baxter found that there has been a remarkable improvement in the quality of the print media as the controls on the press began to be relaxed towards the end of the Zia regime. 'When one recalls the dull press of the Ayub period, which with time included the formation of the Press Trust and the squelching of such newspapers as *The Pakistan Times*, the investigative nature of the present-day press is a welcome change. The electronic media is a somewhat different story. Pakistan Television is as dreary as it ever was. It remains under control of the government with restrictions on its content', he added.

### **Reasons for the Failure of Democratic Process**

Aziz (2001) writes that in August 1947 to form the federal and provincial governments in Pakistan hardly anyone with a respectable experience of running an administration was available. Some outsiders were brought in. Bunches of portfolios were given to individual cabinet members. There was not a single Muslim League minister in Karachi who had more than a nodding acquaintance with the art of running a government. In these circumstances democracy was ushered in with poor qualifications and even poorer prospects.<sup>149</sup>

Arif (2001) adds that experienced individuals were scarce in the political field. Some bureaucrats, therefore, got into political posts and this practice continued for a long while. Some notable bureaucrats turned politicians included Ghulam Mohammad, Chaudhry Muhammad Ali, and Colonel Iskandar Mirza. Three bureaucrats - Ghulam Mohammad, Iskandar Mirza and Ghulam Ishaq Khan - became

<sup>148</sup> *Ibid.*, p. 136.

<sup>149</sup> See Aziz, K. K., *Pakistan's Political Culture: Essays in Historical and Social Origins*, Vanguard Books (Pvt) Ltd., Lahore, 2001, p. 132.

the Head of State. Arif says all three brilliant individuals made serious errors in judgment as the Head of State and earned for themselves an unenviable reputation in history.<sup>150</sup>

Aziz says that Pakistan has lived in a state of crisis since the hour of its birth: the trauma of the division of Bengal and the Punjab, the advent of the refugees, the war over Kashmir, Jinnah's death, Urdu-Bengali controversy, Liaquat Ali Khan's assassination, the dissolution of the Constituent Assembly, the making of "One Unit", Ayub Khan's coup, the 1965 war with India, the anti-Ayub agitation, General Yahya Khan's martial law, the 1971 break-up, the 1977 Pakistan National Alliance's anti-government campaign, General Zia's coup., Bhutto's hanging, Zia's violent death, and so on. Liaquat Ali, Ghulam Muhammad, Iskander Mirza, Ayub Khan, Yahya Khan, Mujibur Rahman, Bhutto and Zia — each exercised dictatorial powers in the name of the country's interest, national emergency, danger to the State, the glory of Islam, and other slogans tailored to the mood of the time and the taste of the man himself.<sup>151</sup>

Arif (2001) signifies that since 1947, twenty-nine out of the thirty-eight elected provincial assemblies were prematurely dissolved. During this period, forty-four out of seventy-seven chief ministers were dismissed by the federal government and another thirteen resigned because they failed to win support in the provincial assemblies. He says that Pakistan took twenty-three years to hold her first national elections, and this too, surprisingly, under a military dictator, General Yahya Khan. The post-election period witnessed a fierce struggle for power between two egoistic leaders (Mujeeb & Bhutto) who precipitated the national collapse. Pakistan was divided in 1971.<sup>152</sup>

Arif is of the view that Pakistan's political parties are also barely democratic. Few have held in-house elections on a regular basis or have only nominally performed the rituals. The country is rich in family controlled and autocratic parties in which the genes and means take precedence over competence and the accident of birth provides a sure ladder for leadership. The feudal system negates the concept of democracy in the same way as the military rule does. Consequently the political system that has

<sup>150</sup> See Arif, Khalid Mahmud, 'The Role of Military in Politics', in Malik, Hafeez, *Pakistan: Founders' Aspirations and Today's Realities*, Oxford University Press, Karachi: Pakistan, 2001, p. 109.

<sup>151</sup> See Aziz, K. K., *Pakistan's Political Culture: Essays in Historical and Social Origins*, Vanguard Books (Pvt) Ltd., Lahore, 2001, p. 145.

<sup>152</sup> See Arif, Khalid Mahmud, 'The Role of Military in Politics', in Malik, Hafeez, *Pakistan: Founders' Aspirations and Today's Realities*, Oxford University Press, Karachi: Pakistan, 2001, p. 90.

taken root in Pakistan is the anti-thesis of democracy. It is feudal in character and practice and democratic in name only.<sup>153</sup>

Cohen (2005) recognizes that Pakistan's international supporters were ambivalent about, democracy too. The American agenda was clear: a pro-Western Pakistan, a stable Pakistan, a prosperous Pakistan, and a democratic Pakistan were all desirable, but in that order. When democracy threatened to remove a leadership that was less than pro-American, the U.S. Embassy conveyed this priority to Pakistanis and for decades got a hearing-over the years the embassy, and most-ambassadors, have been major participants in the Pakistani political process, even when they did not seek such influence.<sup>154</sup>

### **Weak Judiciary**

Cohen writes that Pakistan's judiciary regularly asked to rule on whether a coup, a parliamentary act, or an Islamic law is encompassed by the resolution. Its courts have become increasingly sensitive to political (and physical) pressures to bend their rulings in favor of the military or civilian government in power. He says that Judicial power began to erode in 1955 when the then governor-general, civil servant Ghulam Mohammad; dissolved the Constituent Assembly and dismissed the government of Muhammad Ali Bogra. The courts then declared: "That which otherwise is not lawful, necessity makes lawful." This became known as "the doctrine of necessity," and subsequent courts have retroactively cited it to justify coups against civilian governments by generals Ayub, Yahya, Zia, and Musharraf. The Pakistani courts have thus sustained the "myth of constitutionalism" by pretending that military coups were legally and constitutionally justified.<sup>155</sup>

At the same time, many have opposed the manipulation of the judicial system. Pakistan's various bar associations, especially those in Lahore, have been consistently critical of constitutional interference by the executive branch, the higher courts, and the military.

### **Attempts at Building a Constitution**

Cohen argues that in its fifty-seven years, Pakistan has had three constitutions, those of 1956, 1962, and 1973. The 1956 constitution replaced the governor-general with a president, but with power in the hands of a prime minister elected by a national

<sup>153</sup> Ibid., p. 91.

<sup>154</sup> See Cohen, Stephen Philip, *The Idea of Pakistan*, Vanguard Books (Pvt) Ltd., Lahore, 2005, p. 56.

<sup>155</sup> Ibid., p. 58.

parliament. It preserved most of the British Indian constitutional structure and declared Pakistan to be an Islamic Republic. Other than that, there were no significant "Islamic" steps introduced, to the disappointment of the Islamic parties. The constitution of 1962 created a stronger presidency and an elaborate system of local government, presumably one that was party-free. The third constitution that of 1973 reintroduced a prime ministerial system. All of these constitutions were amended significantly from time to time, most notably in 1985. Then, as Zia's martial law was being lifted, the powers of the president were increased in comparison with those of the prime minister, who could henceforth be removed by the president, and the provincial chief ministers, by the governors. Prime ministerial authority was revived in 1997 by Nawaz Sharif, only to be once again subordinated to that of the president in 2002 by General Musharraf through an extra constitutional Legal Framework Order (LFO). In early 2004, as a result of a year's negotiations, much of the LFO was incorporated into the constitution by a majority vote of Pakistan's Electoral College (consisting of members of the national and provincial assemblies). At the same time, Musharraf promised to give up his army office at the end of the year, to seek election as president some time in 2007, and to retain the right to dismiss the prime minister after referral to the Pakistan Supreme Court.<sup>156</sup>

Cohen says that as for elections, there was no shortage of these, although few were truly free. Pakistan did not hold its first national election until 1970, with subsequent ones in 1977, 1985, 1988, 1990, 1993, 1997, and 2002. The most calamitous of these was the first, which was also the freest (1970). It was followed by a civil war, Indian military intervention, and the breakup of Pakistan. Subsequent national elections were held under close military gaze.

Cohen sums up Pakistan's democratic record: 'in its entire history it has had no successive elected governments each such body was deposed by the military or dismissed by presidential fiat and only Zulfikar Ali Bhutto completed a term in office in 1977; Four presidents were themselves forced to resign by the army (Ayub Khan, Yahya Khan, Gbulam Ishaq Khan, and Rafiq Tarar), while a fifth, Farooq Leghari, was pushed out by Prime Minister Nawaz Sharif in 1998. Neither Pakistan's constitutional arrangement nor its-political parties have attained a central place in the emerging Pakistani state-nation. Instead, the experienced bureaucracy and the young

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<sup>156</sup> Ibid., p. 59.

but ambitious army have perpetuated the notion that the politicians have let Pakistan down at moments when it faced its greatest threats from India.<sup>157</sup>

### **Elections**

Elections are the most used measure of participation. There had been provincial elections in the 1950s in the Punjab, Sindh, NWFP, and East Bengal, but no later ones in these provinces until 1970. Balochistan had the dubious distinction of never having held a direct election until 1970. Other than the provincial elections in the 1950s, Pakistan held indirect elections during the Ayub regime under the system of basic democrats. Ayub at first attempted to avoid a political party system but found that members of the National Assembly elected in 1962 were acting as members of political parties whether Ayub wished them to do so or not. He yielded and gave his assent to the Political Parties Act of 1962. He further entered politics directly by becoming president of the Pakistan Muslim League (Convention).<sup>158</sup>

Ayub had been elected president in 1962 and would be reelected in 1965 when he was opposed by the candidate of the Combined Opposition Parties, Fatima Jinnah, the sister of Muhammad Ali Jinnah. He defeated Miss Jinnah by a wide margin in West Pakistan but only by a much narrower margin in East Pakistan. His Convention Muslim League was victorious in the national and provincial assembly elections held in 1965.<sup>159</sup>

The major change in the electoral system came when Yahya decided that elections to the constituent assembly and the provincial assemblies would be held on a direct election basis and that parity between the two wings would be ended. Yahya opened up campaigning by political parties and permitted free reporting of party activities by the press. Yahya did state certain conditions under which the constituent assembly would work when he issued the Legal Framework Order on 30 March 1970. The assembly would have 120 days to enact a Constitution or it would stand dissolved and new elections held. He also reserved the right to authenticate the Constitution for it to become effective. The elections were held and, as already noted, resulted in a majority for the East Pakistan-based Awami League.<sup>160</sup>

The majority of the seats in West Pakistan went to Bhutto's PPP. When Yahya resigned as President, he appointed Bhutto to hold that office. Bhutto convened the

<sup>157</sup> Ibid.

<sup>158</sup> Ibid., p. 141.

<sup>159</sup> Ibid.

<sup>160</sup> Ibid., p. 142.

National Assembly based on the 1970 election. An election presumably should have been held in 1975, but Bhutto (as noted above) dated the Assembly from 1972 when a new interim Constitution was adopted. An election was called for March 1977. Bhutto may have been surprised that the major opposition parties were able to form the Pakistan National Alliance (PNA) as a joint front to oppose him and the PPP. The announced results gave the PPP a large majority in the National Assembly. The result was rigged. On 5 July 1977, the Chief of Staff of the Pakistan Army, General Muhammad Ziaul Haq, declared martial law and took control of Pakistan.<sup>161</sup>

Elections were promised within ninety days and even the nomination papers were filed. However, this was not to be. Zia declared that 'accountability' must be satisfied before elections could be held. Other dates were suggested but it was not until February 1985 that an election for the national and provincial assemblies was held. Zia decreed that the election would be on a non-party basis like the elections for local bodies in 1987. He also reinstated the system of separate electorates. In the February 1985 election, a number of members of Zia's cabinet were defeated; perhaps giving an indication that support for Zia. The turnout for the National Assembly poll was 52.93 per cent and for the provincial polls 53.69 per cent, larger than in the last comparable election in 1970. Junejo was selected as Prime Minister.<sup>162</sup>

In May 1988, Zia, exercising his powers under the amended Constitution, dismissed Junejo and dissolved the assemblies. New elections were to be held within ninety days of the dissolution. Zia said that a new delimitation of the constituencies was one reason for delay. Zia was killed on 17 August 1988, and replaced by acting President, Ghulam Ishaq Khan. The acting President held the election in November 1988, the date that had been set by Zia. Several of the electoral rules set by Zia were voided by the Supreme Court. Among these was the recognition of political parties and their candidates. The PPP, led by Benazir Bhutto gained a plurality in an election that was judged to be reasonably free of incident. She became Prime Minister in December, ushering in a period of great hope in Pakistan. This hope was not to be justified, in part, at least, as her government did not have a majority sufficient to make major changes.<sup>163</sup>

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<sup>161</sup> Ibid.

<sup>162</sup> Ibid., p. 143.

<sup>163</sup> Ibid.

In August 1990, Ishaq dismissed Benazir's government and appointed a caretaker government headed by Ghulam Mustafa Jatoi, a former member of the PPP who had broken with Benazir. New elections were held in October, with the victory going to Mian Nawaz Sharif and the Islami Jamhuri Ittehad (IJI-Islamic Democratic Alliance). The lead party was the Muslim League, of which Junejo was still technically the leader, but because of his illness, Mian Nawaz Sharif was the actual leader. He had been chief minister of the Punjab, first appointed by Zia and later as the result of the 1985 and 1988 elections, after which he became the most powerful leader outside the PPP. The other main member of the IJI was the Jamaat-i-Islami.<sup>164</sup>

Ishaq dismissed Nawaz Sharif in April 1993 and appointed a caretaker government under Balakh Sher Mazari. Nawaz had announced in February that he wished to repeal the amendment that gave the President the power to dismiss the Prime Minister. Ishaq Khan stated that he must preserve the 'safety valve' against the possibility of martial law. Nawaz challenged his dismissal before the Supreme Court, which held that the dismissal was improper and reinstated Nawaz. The conflict between the President and the Prime Minister continued. The army brokered an arrangement under which both Ishaq and Nawaz resigned on 18 July. The Chairman of the Senate, Wasim Sajjad, became acting president and Moeen Qureshi, a retired World Bank official, headed the caretaker government. The election held in October gave a plurality to Benazir and the PPP. With the support of a dissident faction of the PML—the PML (Junejo), a group that had broken from Nawaz Sharif and used the name of the former leader—and several smaller groups and independents, Benazir formed a government. In the election for President, PPP stalwart Farooq Leghari was elected.<sup>165</sup>

Leghari would soon be disillusioned by Benazir. Amid accusations of corruption and other charges, Leghari dismissed Benazir in November 1996 and called upon Meraj Khalid, another one-time PPP leader, to head a new caretaker government. In February 1997, the PML won a clear victory with two-thirds of the seats in the National Assembly and a majority in the Senate. Nawaz Sharif returned as Prime Minister. One of his early decisions was to amend the Constitution so as to eliminate the power of the president to dismiss governments.<sup>166</sup>

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<sup>164</sup> IBID., P. 144.

<sup>165</sup> Ibid.

<sup>166</sup> Ibid.

Pakistan has since 1985 conducted seven elections. It has, with the possible exception of the 1990 election, conducted them in a reasonably free and fair manner. One interesting trend has been that the participation in elections has been in a decline. From the 53.69 per cent in 1985 there has been a steady downward trend with the exception of a slight rise in 1990. The turnout in 1997 was 35.05 per cent. This drop could indicate a lowering of interest in the electoral process.<sup>167</sup>

### **Feudalism**

Jones (2002) writes, 'as they contemplate the failure of democracy in their country, many Pakistanis are apt to blame the major landowners. The 'feudals', as they are known, are routinely denounced as pretentious, self-interested, unprincipled, reactionary hypocrites who constitute a huge obstacle to social and democratic development. The Pakistani historian and political scientist Iftikhar H. Malik, for example, argues that having been given land and power by the British, the feudals have managed to hang on to both ever since by using a combination of cunning and brute force. 'A new generation of aristocrats', Malik writes, 'with degrees from privileged Western universities have seen to it that their near monopoly of national politics and the economy remains unchallenged. In lieu of political support to a regime, whether military or quasi-democratic, feudalists exact favours through ministerial positions, loans and property allocations.' Malik argues that in periods of both military and civilian rule the feudals have been the power behind the throne.<sup>168</sup>

One story about a leading Sindhi feudal, Pir Pagaro, helps demonstrate the remarkable authority that some feudals enjoy. When Pakistan's military ruler Ayub Khan visited the pir in the 1960s, he advised the field marshal to walk one step behind him. Otherwise, he warned, my followers may think you consider yourself equal to me and they could harm you. It was not an idle comment. His devotees would have been quite capable of mounting a frenzied attack on anyone who challenged the pir's supremacy.<sup>169</sup>

Jones says that it is indisputable that successive Pakistani parliaments have been filled with landowners and tribal leaders who have not hesitated to use their power to protect their own interests. Despite considerable pressure from the IMF, for example, no Pakistani government has ever been able to impose a tax on agriculture.

<sup>167</sup> *Ibid.*, p. 145.

<sup>168</sup> See Jones, Owen Bennett Jones, *Pakistan: eye of the storm*, Vanguard Books (Pvt) Ltd., 2002, p. 242.

<sup>169</sup> *Ibid.*

It is also beyond dispute that some feudal landowners have held on to their authority by blocking the government's attempts to foster social and economic development in their areas.<sup>170</sup>

Jones says that Ayub Khan did recognise that feudals were a brake on social and political development. In his memoirs, he recorded that in 1958 in West Pakistan 'more than 50 per cent of the available land in the Punjab, a little less than 50 per cent in NWFP and over 80 per cent in Sindh was in the possession of a few thousand absentee landlords. In 1959 he announced a land reform programme under which no one would be allowed more than 500 acres of irrigated land or 1,000 acres of unirrigated land. Ayub subsequently claimed that this policy had far-reaching effects: 'The disappearance of the class of absentee landlords, who exercised great political influence under the previous land-holding system, marked the beginning of a new era in West Pakistan.'<sup>171</sup>

In reality, however, Ayub's land reforms never worked. In the first place, his limits of 500 and 1,000 acres were not stringently enforced. Recognising that Ayub's efforts had been thwarted, Zulfikar Ali Bhutto made his own attempt to introduce land reform in 1972. He reduced the ceilings to 150 acres of irrigated and 300 acres of non-irrigated land. The land would be taken, he said, without compensation and handed to landless peasants without payment. Although Bhutto did close down some of the loopholes that undermined Ayub's programme, others remained in place. It was still possible, for example, for landowners to transfer ownership to relatives and, for all Bhutto's rhetoric, the amount of land handed over to the government was insignificant.<sup>172</sup>

Jones argues that neither Ayub Khan nor Bhutto was serious about land reform. Only a small percentage of the country's cultivable land was taken from the feudals. Jones found that General Musharraf's regime, like virtually all its predecessors, stated its concern about the feudals. In February 2000 it announced plans to carry out a massive land reform programme to remove what one official described as 'centuries old feudalism'. In October 2000 it issued a report 'Decentralisation and the Devolution of Power' that called for rapid land redistribution so as to empower landless peasants. As in so many other policy areas

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<sup>170</sup> Ibid., p. 246.

<sup>171</sup> Ibid., p. 246.

<sup>172</sup> Ibid.

the rhetoric was impressive but there is little indication that Musharraf is serious about implementing land reform.<sup>173</sup>

### The Army and Politics

Cohen argues that one military intervention in fifty years could be seen as an incident and two as an aberration, but four spells of military rule indicate deeper systemic problems. He says that the army's relationship with the political process can be characterized as a five-step dance. First, the army warns what it regards as incompetent or foolish civilians. Second, a crisis leads to army intervention, which is followed by the third step: attempts to 'straighten out' Pakistan often by introducing major constitutional changes. A number of retired army officers and scholars, notably Hasan-Askari Rizvi, have carefully documented the process. Cohen writes that the interventions have had different objectives. Ayub Khan's was the first and turned out to be the model for the 1999 coup. Ayub seized power on October 27, 1958, and governed through a lightly applied martial law regime for four years. Ayub dominated Pakistani politics until March 1969, when ill and out of favor he handed over power to General Yahya Khan.<sup>174</sup>

Cohen argues that Ayub's system rested upon a patron-client relationship, not a partnership, with major institutions and political (and economic) forces drawing their power from proximity to the chief. The president was to be elected indirectly by an electoral college, and the cabinet was un-accountable to the federal parliament. Ayub was also commander in chief, with the power to declare war or make peace without consulting the National Assembly.<sup>175</sup>

Cohen adds, 'The most atypical military intervention was that of Yahya Khan, who displaced Ayub and declared a new martial law on March 25, 1969. Yahya's coup was exceptional in that he had no plans to reform or straightens out Pakistan's political order. Pakistan's third coup, led by Zia-ul-Haq, again opened the door to political experimentation. Zia declared martial law, ruled with a firm hand, and tinkered with the 1973 constitution. He and his colleagues wanted to set Pakistan "straight," or, as Zia used to say, correct the politicians' *qibla*, or direction of prayer. Zia's Islamic, conservative orientation broke with that of his predecessors. It was

<sup>173</sup> Ibid., p.249.

<sup>174</sup> See Cohen, Stephen Philip. *The Idea of Pakistan*, Vanguard Books (Pvt) Ltd., Lahore, 2005, p. 124.

<sup>175</sup> Ibid., p.125.

partly out of conviction but also used to obtain the Support of the Islamic parties, especially the Jama'at-i-Islami.<sup>176</sup>

Cohen says that Like Ayub, General Musharraf sought to impress upon Pakistan a Political framework derived from an army model. Spurred on by the belief that the army is Pakistan's leading institution (an assertion that may be true only because other institutions have badly decayed), Musharraf has introduced educational qualifications for officeholders and non partisan local elections. In addition, Musharraf created a constitutional role for the army via the new National Security Council. The council, which first met in June 2004, will have only four military members, but their presence will be decisive since "national security" can be defined to include the economy, foreign policy, and domestic matters as well as hardcore security issues.<sup>177</sup>

Cohen writes that what separates Musharraf's military rule from Zia's, in the army's view, is that it was more liberal and humane, not driven by a narrow ideological perspective. The real model for Musharraf and his colleagues is Ayub's tutelary regime. They are eager to make social and political changes that will be good in their own right but will make it less likely that the armed forces will intervene in the future.<sup>178</sup>

Cohen adds, 'the army-politician relationship is one consequence of the most recent army interventions. Initially welcomed by many Pakistanis as a relief from corrupt politicians, the armed forces especially the army, are now being seen in a different light. Criticism of the military per se, once rare, has become widespread and well informed. During Zia's martial law regime, he was widely despised, but the army was held in high esteem; after *four* years of Musharraf, his position is criticized within the army, and his former popularity was diminished even before the several attempts to assassinate him after 2002.'<sup>179</sup>

Cohen pointed out that while the role of the armed forces is settled in most former colonial states, political-military tensions remain at the core of Pakistani politics. He says that in the final analysis, Pakistan's politicians must pass a competency test administered and graded by Pakistan's army, not its voters. The only Pakistan army chief ever to voluntarily resign from his position, Jehangir Karamat,

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<sup>176</sup> Ibid.

<sup>177</sup> Ibid.,

<sup>178</sup> Ibid., p. 126.

<sup>179</sup> Ibid.

acknowledges that the army has been assertive and 'interventionist' but attributes this tendency to historical circumstances. Defending his service, he has argued that the army has a better understanding of its role than do civilians: 'Since 1988 . . . every army chief has tried to make the system work and to somehow keep democracy afloat and to encourage the governments to complete their tenures.' With the exception of Benazir, Karamat attests, all recent politicians failed to 'work' the institutional system effectively because they lacked expertise and self-confidence and had a fear of being dominated by the military.<sup>180</sup>

Cohen adds that other generals are not so kind to the politicians. They roundly condemn them as incorrigibly corrupt, venal, and incompetent and eagerly compare the army's own high standards of integrity with the politicians' abysmal record. Furthermore, in Pakistan the military assumes that it must veto any civilian decision that affects 'national security,' a concept defined so broadly by President Musharraf as to be meaningless. Clearly, Pakistan's, centrist, mainstream political parties cannot hope to come to real power, and govern effectively, unless several indicators point in the same direction at the same time.<sup>181</sup>

Cohen observes that the army must have enough confidence in a civilian leader, or party, to allow them to come to power. The condition occurred only in Zulfiqar Ali Bhutto's case, and to some extent Benazir's first term. He further adds, 'once in power, a civilian government must demonstrate its competence to the military and meet criteria drawn up by the army.' When Karamat attempted to formalize this relationship, Nawaz panicked, fired Karamat, and created deep distrust between him and the army. Cohen says that Pakistan thus has a real chicken-egg problem when it comes to civil-military relations. Under present circumstances, it is impossible for politicians to master the arts and science of democratic politics, to grow and mature in their profession. Once in office, it is equally difficult for them to govern without fear of the army's encroachment or a blatant army takeover.<sup>182</sup>

In short, any civilian government that consistently takes bold steps in a new direction, especially foreign policy, must have army consent. Such issues as Kashmir and India are especially sensitive, and a government that fails to work out a strategy in concert with the armed forces will run enormous risks. Politicians must learn the

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<sup>180</sup> Ibid., p. 158.

<sup>181</sup> Ibid., p. 158.

<sup>182</sup> Ibid., p. 159.

limits of their own freedom but then must attempt to expand these limits. The army, on the other hand, will have to understand the limits of its own capacity to govern.<sup>183</sup>

Jones says that Pakistan army has repeatedly shown a greater willingness to grasp power than to give it up. None of the first three army chiefs to rule Pakistan - Ayub Khan, Yahya Khan and Zia ul Haq - gave up power voluntarily. There is no reason to believe that General Musharraf will act differently. After taking over, the first task of any military ruler is to address the nation on radio and television. It has happened in Pakistan four times and on each occasion the coup leaders have summoned as much sincerity as they could muster and have delivered carbon copy speeches.<sup>184</sup>

'This is a drastic and extreme step taken with great reluctance but with the deepest conviction that there was no alternative to it except the disintegration and complete ruination of the country.'

-Ayub Khan, 8 October 1958

'The armed forces could not remain idle spectators of this state of near anarchy. They have to do their duty and save the country from utter disaster.'

-Yahya Khan, 26 March 1969

'I was obliged to step in to fill the vacuum created by the political leaders.'

-Zia ul Haq, 5 July 1977

'I wish to inform you that the armed forces have moved in as a last resort to prevent any further destabilization.'

-Pervez Musharraf, 13 October 1999

Jones writes that the four addresses have other passages in common. Ayub Khan pledged: 'Our ultimate aim is to restore democracy.' His successor Yahya insisted: 'I have no ambition other than the creation of conditions conducive to the establishment of a constitutional government.' Ironically, the least democratically-minded of the lot, Zia ul Haq, gave the clearest assurance of all: 'My sole aim is to organise free and fair elections which would be held in October this year.' Most recently, Pervez Musharraf has claimed that: 'The armed forces have no intention to

<sup>183</sup> Ibid.

<sup>184</sup> See Jones, Owen Bennett Jones, *Pakistan: eye of the storm*, Vanguard Books (Pvt) Ltd., 2002, p. 269.

stay in charge any longer than is absolutely necessary to pave the way for true democracy to flourish in Pakistan.<sup>185</sup>

A few days after the 1999 coup, Musharraf's spokesman, Brigadier Rashid Qureshi, insisted that while: 'Others may have tried to hang on to power, we will not. We will make history.' Musharraf agreed. 'All I can say', he assured a television interviewer in January 2000, 'is that I am not going to perpetuate myself...I can't give any certificate on it but my word of honour. I will not perpetuate myself.' Later in 2000 Musharraf went a stage further and said he would respect a Supreme Court judgement that stated he should remain in office for just three years. In June 2001, however, Musharraf performed a complete U-turn. Following the examples of Ayub, Yahya and Zia, he made himself president. And in May 2002 he held a referendum that allowed him to remain in power for a further five years.<sup>186</sup>

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<sup>185</sup> Ibid., p. 270.

<sup>186</sup> Ibid.